

COMMON OBJECTIONS AND RESPONSES

Objection	Rule	Sample Response	Sample Reply, if allowed
Lack of foundation	Attorney must establish a foundation to show the information is relevant and based on personal knowledge	“A proper foundation has been laid because...” (If true) “I’ll lay a foundation...”	
Relevance	Information must relate to the case and make a fact at issue more or less likely	“The information is related to the issue at hand...” “Makes is more or less likely that...” “Goes to credibility/bias of witness”	
Lack of personal knowledge	Witness must have first-hand knowledge to answer the question	“I’ve only asked if she knows...” “I’ve already established that...” (If true) “I’ll lay a foundation...”	“This witness cannot possibly know...”
Hearsay	Witness cannot testify about what someone else told them	“It is not offered for the truth of the matter asserted...” “Offered to explain future action” “Admission by party opponent” “Excited utterance” “Statement made for purpose of medical diagnosis” “It should be allowed as a ‘catch-all’ exception because it is reliable and trustworthy...”	“The statement is being offered for the truth of the matter...” “No foundation laid for that exception...” “The exception does not apply because...”

Privilege	Privileged information is not admissible	“The privilege is not applicable in this case” “The witness waived the privilege”	“The privilege applies because...” “The witness did not waive the privilege...”
Leading (on direct)	Leading questions are not allowed on direct examination	“I’m laying a foundation...” “This is cross-examination...”	
Compound	Only one question per answer	(If true) “I will ask separate questions.”	
Asked and answered		“We haven’t clearly established this answer...”	“We’ve already heard this; counsel just didn’t like the answer.”
Argumentative	Attorney cannot argue with witness or insert argument into question	(If true), “I will rephrase the question.”	
Narrative	Testimony of witness must proceed by question and answer	“The witness is just answering the question...” (If true), “I’ll break it up....”	
Non-responsive	Witness should respond to question	“The witness cannot answer the question yes or no.”	“The witness is not answering the question.”
Speculation	Witness cannot guess/speculate	“The witness knows the answer.”	“The witness cannot know.”
Opinion	Lay witnesses can give their opinions if based on their perception and helpful to an understanding of their testimony	“The opinion is based upon the witness’s perception...”	“This is beyond a lay opinion”